

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

CHRISTINA M. SCIFRES, MD,

Plaintiff,

v.

COMMISSIONER, INDIANA  
DEPARTMENT OF HEALTH, in  
her official capacity, et al.,

Defendants.

Case No. 1:24-cv-02262-RLY-  
MJD

**NOTICE OF SUPPLEMENTAL AUTHORITY**

The defendants, by counsel, notify the Court of a June 18, 2025 decision from the Northern District of Texas that is determinative of the result of this case.

1. In April 2024, the United States Department of Health and Human Services modified the HIPAA Privacy Rule with the “HIPAA Privacy Rule to Support Reproductive Health Care Privacy” (the 2024 Rule). 89 Fed. Reg. 32976 (Apr. 26, 2024). The 2024 Rule took effect on June 25, 2024, and required covered entities to come into compliance with the provisions relevant here no later than December 23, 2024. *Id.* at 32979.

2. That is the rule at issue in this case. The plaintiff asserts that the 2024 Rule conflicts with and therefore preempts Indiana’s Terminated Pregnancy Report law. Ind. Code § 16-34-2-5.

3. Before and after the plaintiff filed her complaint, several states and affected

individuals filed challenges to the 2024 Rule, including *Purl v. U.S. Dep't of Health & Hum. Servs.*, No. 2:24-cv-228-Z (N.D. Tex.); *Tennessee v. U.S. Dep't of Health & Hum. Servs.*, No. 3:25-cv-025 (E.D. Tenn.); *Missouri v. U.S. Dep't of Health & Hum. Servs.*, No. 4:25-cv-077-JAR (E.D. Mo.); *Texas v. U.S. Dep't of Health & Hum. Servs.*, No. 5:24-cv-00204-H (N.D. Tex.).

4. In *Purl v. U.S. Dep't of Health & Hum. Servs.*, the court in December 2024 granted the plaintiffs' motion for a preliminary injunction, but the injunction applied only to the plaintiffs. No. 2:24-CV-228-Z, 2024 WL 5202497.

5. On June 18, 2025, the Court rendered its opinion and judgment in the case, granting the plaintiffs' motion for summary judgment and ordering:

The HIPAA Privacy Rule to Support Reproductive Health Care Privacy at 89 Fed. Reg. 32976 is VACATED except its modifications to 45 C.F.R. Section 164.520. But the provisions at 45 C.F.R. Section 164.520(b)(1)(G)(F), (G), and (H) are VACATED. Defendants' Motion to Dismiss for Lack of Jurisdiction is DENIED as moot.

Ex. 1, ECF No. 110, p. 64.

6. That is, the court vacated every part of the 2024 Rule that the plaintiff in this case rely on for her argument that the Indiana law should be enjoined (two cities and an organization tried to intervene in *Purl*, their motion was denied, but the aspiring intervenors filed for interlocutory appeal of the order denying intervention). But the 2024 Rule is vacated. The severed provisions are unrelated to the plaintiff's claims in this case.

7. The *Purl* court looked to Fifth Circuit precedent to decide that vacatur, what “empowers courts to set aside—*i.e.*, formally nullify and revoke—and unlawful

agency action,” is the most appropriate result. Ex. 1, *Purl*, ECF 110, p. 58, quoting *Data Mktg. P’ship, LP v. U.S. Dep’t of Lab.*, 45 F.4<sup>th</sup> 846, 859 (5th Cir. 2022). And vacatur “operates nationwide.” *Id.*

8. Counsel will confer with plaintiff’s counsel and discuss next steps to resolve this case, but the defendants file this notice with the Court to alert it at the earliest possible time that the challenged rule is vacated, so vacatur makes abundantly clear that there is no conflict between federal law and state law.

WHEREFORE, Defendants, by counsel, respectfully notifies the Court of the attached supplemental authority.

Respectfully submitted,

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INDIANA ATTORNEY GENERAL  
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Date: June 19, 2025

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